	Application No.	Applicant(s)
Notice of Allowability	10/804,564	NISHIOKA ET AL.
	Examiner	Art Unit
	William J. Klimowicz	2627
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.31	S (OR REMAINS) CLOSED in this apply or other appropriate communication RIGHTS. This application is subject	oplication. If not included on will be mailed in due course. THIS
1. This communication is responsive to the Amendment & re	esponse filed on Nov. 7, 2006.	
2. The allowed claim(s) is/are <u>1-28</u> .		
<ul> <li>3.  Acknowledgment is made of a claim for foreign priority uses)</li> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have</li> <li>2.  Certified copies of the priority documents have</li> <li>3.  Copies of the certified copies of the priority documents</li> </ul>	re been received. re been received in Application No	
International Bureau (PCT Rule 17.2(a)).		·
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDON! THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file a reply MENT of this application.	complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subminformal patent application (PTO-152) which give	nitted. Note the attached EXAMINEF reason(s) why the oath or declar	R'S AMENDMENT or NOTICE OF ation is deficient.
5. $\square$ CORRECTED DRAWINGS ( as "replacement sheets") mu	st be submitted.	
(a) Including changes required by the Notice of Draftsper		-948) attached
1)  hereto or 2)  to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the draw the header according to 37 CFR 1.121	ings in the front (not the back) of (d).
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT	osit of BIOLOGICAL MATERIAL FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the CAL MATERIAL.
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. Notice of Informal	Patent Application
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)		• •
3. Information Disclosure Statements (PTO/SB/08),	Paper No./Mail Da 7.	ate
Paper No./Mail Date 4.   Examiner's Comment Regarding Requirement for Deposit	8. X Examiner's Statem	ent of Reasons for Allowance
of Biological Material	9.	WILLIAM KUNOWICZ PRIMARY EXAMINER

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## **REASONS FOR ALLOWANCE**

In view of the Applicant's arguments and claim amendments presented in a response filed November 7, 2006, the Examiner has been persuaded that the claims previously rejected, are in fact allowable.

The prior art of record fails to fairly, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application.

Furthermore, an update of a search previously made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be clear from the prosecution history taken as a whole, in view of the previous rejections based on the applied prior art, supplemented by the reasons espoused by the Applicant in the Response filed on November 7, 2006, as to why the prior art fails to read on the claims of record. In view of the arguments and claim amendments presented therein, the Examiner has determined that the scales of patentability, based on the preponderance of the evidence, tip slightly in favor of the Applicant. That is, based on a preponderance of the evidence, the Applicant's arguments, the application of the art, and the record as a whole, the claims as presently amended obviate rejections previously made by the Examiner, and as such the previous rejections are more likely than not, unsustainable, for the reasons articulated by the Applicant's response filed on November 7, 2006.

Additionally, it is noted on page 11 of the Response filed on November 7, 2006, the Applicant states:

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Nakazawa discloses a method of annealing layers by impressing magnetic fields in two opposite directions and intersecting the easy axis of a free layer and the easy axis of a pinned layer. In order for the intersection of these two layers to occur, Nakazawa impresses a magnetic field with an annealing temperature of 210-250° for first annealing and 150-250° for second annealing. In contrast, embodiments of claim 27 conduct the two magnetic applying steps at room temperature in order to magnetize the two pinned layers. The annealing temperature used by the Nakazawa Patent are markedly higher than room temperature and therefore can not teach or suggest this element of amended claim 27. Support for claim 27 may be found in the specification as originally filed, at least at paragraphs [0020], [0021], [0201], and [0321].

The "paragraphs [0020], [0021], [0201], and [0321]" in the last sentence of the Applicant's statement above, are paragraph numbers associated with the PGPub of the application 10/804,564 (i.e., USPGPub No. 2004/0246632 A1) published on December 9, 2004. The corresponding paragraphs equate to [0016], [0017], [0090] and [0139], respectively, of the specification of 10/804,564. Moreover, it is noted that the specification defines "room temperature" as being "about 20°C" - see page 23, paragraph [0087] of Applicant's specification, and also Figure 3a of Applicant's specification.

Moreover, it is noted that the claim language designator ".sub." denotes a subscript, the claim language designator ".ltoreq." denotes  $\leq$  (less than or equal to), the claim language designator ".gtoreq." denotes a  $\geq$  (greater than or equal to) and the claim language designator ".ANG." denotes the unit of length  $\mathring{A}$  (Angstroms).

## Conclusion

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Klimowicz Primary Examiner

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WJK